

III. REMARKS

Claims 1 - 15 remain pending in the instant application.

Claims 1, 3 and 12 were rejected under 35 U.S.C. 102(b) as being anticipated by Larimore (U.S. Patent 6,279,279).

Claim 1 recites a water-barrier and drainage system for preventing the penetration of water vapor and ground water into the crawlspace environment of a building. The system is claimed having a continuous embossed plastic drainage panel covering the entire floor of the crawlspace so that the panel defines a continuous barrier surface that prevents penetration of ground water and water vapor there through and prevents penetration of groundwater and water vapor up through the floor and into the air space of the crawlspace. The plastic drainage panel is claimed as being embossed to provide a plurality of spaced protuberances at the underside thereof forming legs which support the drainage panel spaced from the floor of the crawlspace to provide a water flow space adjacent the floor for the drainage of water and water vapor which penetrates up through the floor of the crawlspace or through the walls of the crawlspace.

Larimore (U.S. Patent 6,279,279) discloses an aerated flooring system that includes a top layer 80 made of flooring material, such as wood, a support layer 50 below the top layer that provides support for the top layer and a ventilation layer 60 below the flooring sized to allow air movement through the layer 60. Ventilation layer is disclosed as having air channels 42 divided by spacers 62.

No where in Larimore (U.S. Patent 6,279,279) is there a disclosure or suggestion of a water-barrier and drainage system for preventing the penetration of water vapor and ground water into the crawlspace environment of a building. Instead, Larimore (U.S. Patent 6,279,279) discloses an aerated flooring system for use in athletic arenas or gymnasiums. No where in Larimore (U.S. Patent 6,279,279) is there a disclosure or suggestion of having a continuous embossed plastic drainage panel covering the entire floor of the crawlspace so that the panel defines a continuous barrier surface that prevents penetration of ground water and water vapor there through and prevents penetration of groundwater and water vapor up through the floor and into the air space of the crawlspace and where the plastic drainage panel is claimed as being embossed to provide a plurality of spaced protuberances at the underside thereof forming legs which support the drainage panel spaced from the floor of the crawlspace to provide a water flow space adjacent the floor for the drainage of water and water vapor which penetrates up through the floor of the crawlspace or through the walls of the crawlspace. Instead, Larimore (U.S. Patent 6,279,279) discloses a flat vapor barrier 72 on floor 70 with no disclosure or suggestion of a plastic drainage panel is claimed as being embossed to provide a plurality of spaced protuberances at the underside thereof forming legs which support the drainage panel spaced from the floor of the crawlspace to provide a water flow space adjacent the floor for the drainage of water and water vapor which penetrates up through the floor of the crawlspace or through the walls of the crawlspace as claimed in claim 1. Instead, Larimore (U.S. Patent 6,279,279) discloses a ventilation layer 60 below support layer 50 of the flooring sized to allow air movement through the layer 60 with the ventilation layer disclosed as having air channels 42 divided by spacers 62 with no disclosure or suggestion of covering the entire floor of

a crawlspace and with no disclosure or suggestion of the panel defining a continuous barrier surface that prevents penetration of ground water and water vapor there through as required by claim 1. Applicant respectfully disagrees with the Examiner's reference to support layer 50 being crawlspace CS as Larimore (U.S. Patent 6,279,279) discloses support layer 50 being solid. In Larimore (U.S. Patent 6,279,279), ventilation layer is only disclosed as having air channels 42 divided by spacers 62 and of a size to permit air to ventilate through the layer (please see column 8, lines 26-53 of Larimore (U.S. Patent 6,279,279) with no disclosure or suggestion of covering the entire floor of a crawlspace and with no disclosure or suggestion of the panel defining a continuous barrier surface that prevents penetration of ground water and water vapor there through as required by claim 1. Larimore (U.S. Patent 6,279,279) only discloses a ventilation layer which is different than a continuous barrier surface as required by claim 1. For the reasons set forth, the features of claim 1 are neither disclosed or suggested by Larimore (U.S. Patent 6,279,279). Accordingly, claim 1 is patentable over Larimore (U.S. Patent 6,279,279).

Claims 3 and 12 depend upon claim 1. For the reasons set forth above relating to claim 1, the features of claims 3 and 12 are neither disclosed or suggested by Larimore (U.S. Patent 6,279,279). Accordingly, claims 3 and 12 are patentable under 35 U.S.C. 102(b) over Larimore (U.S. Patent 6,279,279).

Claim 2 was rejected under 35 U.S.C. 103(a) as being unpatentable over Larimore (U.S. Patent 6,279,279) in view of Ekroth (U.S. Patent 4,907,386). Claim 2 depends upon claim 1. For the reasons set forth above relating to claim 1, the features of claim 2 neither disclosed or suggested by Larimore (U.S. Patent

6,279,279) either alone or in combination with Ekroth (U.S. Patent 4,907,386). Accordingly, claim 2 is patentable under 35 U.S.C. 103(a) over Larimore (U.S. Patent 6,279,279) in view of Ekroth (U.S. Patent 4,907,386).

Claims 4-6 were rejected under 35 U.S.C. 103(a) as being unpatentable over Larimore (U.S. Patent 6,279,279) in view of Swain (U.S. Patent 5,931,603). Claims 4-6 depend upon claim 1. For the reasons set forth above relating to claim 1, the features of claims 4-6 are neither disclosed or suggested by Larimore (U.S. Patent 6,279,279) either alone or in combination with Swain (U.S. Patent 5,931,603). Accordingly, claims 4-6 are patentable under 35 U.S.C. 103(a) over Larimore (U.S. Patent 6,279,279) in view of Swain (U.S. Patent 5,931,603).

In the Office Action dated October 11, 2006, claims 7-11 and 13-15 were objected to as being dependent upon a rejected base claim but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In the response to the Office Action dated October 11, 2006, claims 7, 13 and 14 were been rewritten in independent form including all of the limitations of the base claim and any intervening claims. It is further noted that claims 8-11 depend upon claim 7 and claim 15 depends upon claim 14. Accordingly, Applicant submits again that claims 7-11 and 13-15 are allowable. On the cover sheet of the present Office Action, claims 7-11 and 13-15 are shown as being objected to, however the Examiner has given no indication as to the basis for the objection in the Office Action. Applicant respectfully requests that the Examiner address claims 7-11 and 13-15.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly

novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment of a two month extension of time and one additional independent claim and for any other fees associated with this communication or credit any over payment to Deposit Account No. 16-1350

Respectfully submitted,



Janik Marcovici
Reg. No. 42,841



Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512